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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,¹

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,²

USA SECURITIES, LLC,³
Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
THIRD OMNIBUS OBJECTION OF
USACM TRUST TO PROOFS OF
CLAIM BASED UPON THE
INVESTMENT IN THE BEASTAR
LOAN WITH CERTIFICATE OF
SERVICE**

Date of Hearing: December 18, 2009
Time of Hearing: 1:30 p.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
CLAIM TO THE EXTENT IT IS BASED UPON INVESTMENT IN THE**

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 **BEASTAR LOAN. THIS OBJECTION WILL NOT IMPACT YOUR CLAIM TO**
2 **THE EXTENT IT IS BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.**

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
4 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
5 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
6 **SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING**
7 **GROUP, LLC (602) 424-7009) OR THE UNDERSIGNED COUNSEL.**

8 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its
9 Third Omnibus Objection of USACM Trust to Proofs of Claim Based, In Whole or In
10 Part, Upon the Investment in the BeaStar Loan (the "Objection"). Your Proof of Claim
11 number and other information regarding your claim is provided in **Exhibit A**, attached.
12 The USACM Liquidating Trust has requested that this Court enter an order, pursuant to
13 Bankruptcy Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to
14 the extent it is based upon investment in the BeaStar Loan. The Objection will not impact
15 your Claim to the extent it is based upon an investment in a different loan.

16 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
17 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
18 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
19 **December 18, 2009, at the hour of 1:30 p.m.**

20 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
21 **DECEMBER 18, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS**
22 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
23 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

24 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
25 by **December 11, 2009** pursuant to Local Rule 3007(b), which states:
26

1 If an objection to a claim is opposed, a written response must be filed and
2 served on the objecting party at least 5 business days before the scheduled
3 hearing. A response is deemed sufficient if it states that written
4 documentation in support of the proof of claim has already been provided to
5 the objecting party and that the documentation will be provided at any
6 evidentiary hearing or trial on the matter.

7 If you object to the relief requested, you *must* file a **WRITTEN** response to this
8 pleading with the Court. You *must* also serve your written response on the person who
9 sent you this notice.

10 If you do not file a written response with the Court, or if you do not serve your
11 written response on the person who sent you this notice, then:

- 12 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 13 • The Court may *rule against you* and sustain the objection without formally
14 calling the matter at the hearing.

15 Dated: November 18, 2009.

16 LEWIS AND ROCA LLP

17 By /s/ John Hinderaker (#18024)
18 Rob Charles, NV 6593
19 John C. Hinderaker, AZ 18024 (*pro hac vice*)
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25 *Attorneys for the USACM Liquidating Trust*

26 Copy of the foregoing and pertinent
portion of Exhibit A mailed by first
class postage prepaid U.S. Mail on
November 18, 2009 to:

Parties listed on Exhibit A attached.

LEWIS AND ROCA LLP

/s/ Leilani Lista
Leilani Lista